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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,088	10/15/2001	I-Chung Huang		9303

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EXAMINER

OCAMPO, MARIANNE S

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 07/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-2

Office Action Summary

Application No.

09/976,088

Applicant(s)

HUANG, I-CHUNG

Examiner

Marianne S. Ocampo

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - a). In page 5, the word “filer” in line 15, should be changed to “filter”.
 - b). In page 5 of the specification, the article “the” in line 18, before the phrase “said air”, should be deleted since it is grammatically incorrect and unnecessary.
 - c). In page 6, the word “filer” in line 5, should be changed to “filter”.
 - d). In page 6 of the specification, the article “the” in line 8, before the phrase “said connecting member”, should be deleted since it is grammatically incorrect and unnecessary.
 - e). In page 7, the word or expression “free-typed” in line 2 should be changed to “free moving”, in order to be consistent in naming the same structures throughout the body of the specification.
 - f). In page 7 of the specification, the article “the” in lines 3 & 18, before the phrases “said passive non-return unit” and “said valve body”, respectively, should be deleted since it is grammatically incorrect and unnecessary.
 - g). In page 8 of the specification, the article “the” in lines 1 & 10, before the phrases “said control element” & “said isolating layer”, respectively, should be deleted since it is grammatically incorrect and unnecessary.

Appropriate correction is required.

2. *The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.* In other words, in paragraph 1 above are just some of the minor informalities found by the examiner and applicant's cooperation is requested in checking the entirety of the originally filed specification for other informalities or similar errors not mentioned in this office action.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show *the ring-shaped protruding body (163c) being detachably combined (screwed) with the isolating layer (16) ...the height of the ring-shaped protruding body (163c) can be changed according to need*, as described in the specification page 12, lines 5 - 10. What is being illustrated in Fig. 7 is the ring-shaped protruding body (163) being unitarily molded and not detachably combined or screwed onto the isolating layer and therefore, the protruding body's height could not possibly be changed, as suggested by the specification in page 12, lines 9 - 10. **Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).** A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 1, 3, 7, 9 – 10 and 12 are objected to because of the following informalities:

a). In claim 1, the article “the” in lines 2 - 3 & 5 before the phrases “said isolating layer” & “said control element”, respectively, should be deleted since it is grammatically incorrect and unnecessary.

b). In claim 3, the article “the” in line 1 before the phrase “said valve hole”, should be deleted since it is grammatically incorrect and unnecessary.

c). In claim 7, the article “the” in line 1 before the phrase “said filter layer”, should be deleted since it is grammatically incorrect and unnecessary.

d). In claim 9, the article “the” in lines 6 & 13 before the phrases “said control element” & “said protruding body”, respectively, should be deleted since it is grammatically incorrect and unnecessary.

e). In claim 10, the article “the” in line 1 before the phrase “said filer layer”, should be deleted since it is grammatically incorrect and unnecessary. Furthermore, the word “filer” should be changed to “filter”.

f). In claim 12, the article “the” in line 1 before the phrase “said ring-shaped protruding body”, should be deleted since it is grammatically incorrect and unnecessary.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1 – 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a). In particular, independent claims 1 and 9 both lack proper antecedent basis for the following:

i). The terms “the valve door” in line 10, “the tight point” in lines 12 – 13, “the substance” in line 16 and “the infusion” in lines 16 – 17 of claim 1 lack proper antecedent basis. What is being considered as a “valve door” and where/what is the “tight point” of the carafe? Is the substance (i.e. coffee grounds) considered part of the claimed invention, which is a product in the form of a percolating steeper? Is the term “infusion” a typographical error and supposed to be “infusor”? It is unclear if the valve door is a structural feature (such as a door frame or flange) or merely a space (i.e. an opening) and the tight point of the carafe being one specific point at which the tight unit contacts the carafe or a specific area/region? For examination purposes, the examiner considered the valve door being a space or an opening formed in the isolating layer as indicated in the drawings and original specification, and the tight point of the carafe being only one point where the tight unit (defined by sealing ring 19) contacts the inner

wall of the carafe. With regards to the substance and infusion, the examiner considered that the claimed invention does not include such items, but merely that the claimed invention is capable of being used to perform the function of separating the substance and the infusion/infusor.

ii). The terms “valve door” in line 10 and “the lower aspect” in line 16 of claim 9 lack proper antecedent basis. What is being considered as a “valve door” and where/what (i.e. structural feature) is the “lower aspect” of the ring shaped protruding body? It is unclear if the valve door is a structural feature (such as a door frame or flange) or merely a space (i.e. an opening) and the tight point of the carafe being one specific point at which the tight unit contacts the carafe or a specific area/region? For examination purposes, the examiner considered the valve door being a space or an opening formed in the isolating layer as indicated in the drawings and original specification, and the lower aspect of the ring shaped protruding body is its lower end surface.

b). Claim 10 is also unclear because it does not clearly state if the filter layer which is disposed at a lower end opening of the ring-shaped protruding layer in the form of a filter screen (*the filter layer is the filter screen*), or that the filter layer is being disposed at the lower end opening of the ring-shaped protruding body by a filter screen (in this second instance, *the filter layer is not the filter screen*). For examination purposes, the examiner considered the first situation, in which the filter layer comprises a filter screen (i.e. the filter layer is formed by the filter screen).

Allowable Subject Matter

7. Claims 1 - 12 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, second paragraph, being set forth in this Office action.

8. The following is a statement of reasons for the indication of allowable subject matter: the closest prior art has failed to disclose or render obvious a percolating steeper having the limitations of at least one free moving non-return unit and one passive non-return unit being disposed on an isolating layer of the steeper, wherein the at least one free moving non-return unit and one passive non-return unit comprise a cover body with holes, a valve body situated at a *valve door* (i.e. an opening) on the isolating layer and the valve door *penetrating* (i.e. extending) through the isolating layer, as in independent claims 1 and 9.

9. The following claims 1 and 9 - 10 drafted by the examiner and considered to distinguish patentably over the art of record in this application, are hereby being presented to applicant for consideration:

a). Claim 1. A percolating steeper comprising a carafe, a cover body, a filter layer, an isolating layer and a control element, and further comprising a tight unit disposed on a circumferential rim of the isolating layer to contact the carafe, and at least one free moving non-return unit and one passive non-return unit disposed on the isolating layer, the control element

indirectly controlling downward or upward movement of the isolating layer and the filter layer by means of the at least one passive non-return unit, and both the at least one free moving non-return unit and the at least one passive non-return unit comprising a cover body with holes, a valve body situated in a valve door formed on the isolating layer wherein the valve door comprises a valve hole (i.e. opening) which extends through the isolating layer, and the tight unit on the isolating layer and a *tight point* of the carafe (here, the examiner considers to be the point at which the tight unit/sealing ring 19 contacts an inner wall of the carafe) are disposed higher than the lowest feed water surface in a lower aspect (lower end surface) of the isolating layer being used for conducting liquid into the valve hole and with this elevation difference, the visual effect of air isolation is generated when a substance and an infusion are separated.

b). Claim 9. A percolating steeper comprising a carafe, a cover body, a filter layer, an isolating layer and a control element, and further comprising a protruding body disposed below the isolating layer and a tight unit disposed on a circumferential rim of the isolating layer to contact the carafe, and at least one free moving non-return unit and one passive non-return unit disposed on the isolating layer, the control element indirectly controlling downward or upward movement of the isolating layer and the filter layer by means of the at least one passive non-return unit, and both the at least one free moving non-return unit and the at least one passive non-return unit comprising a cover body with holes, a valve body situated in a valve door formed on the isolating layer wherein the valve door comprises a valve hole (i.e. opening) which extends through the isolating layer to let a fluid to flow in and out, and the protruding body having a ring shape, a lower end of the valve hole and a lower end area of the ring-shaped protruding body

maintaining a certain distance, and the filter layer being situated adjacent the lower end area of the ring-shaped protruding body.

c). Claim 10. A percolating steeper according to claim 9, wherein the filter layer is disposed in an opening at a lower end of the ring-shaped protruding body and the filter layer comprises a filter screen.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents 2,053,021 (Cassol), 1,962,493 (Ferris), 5,725,765 (Shen), 5,943,946 (Chen) and 5,544,566 (Bersten).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo whose telephone number is (703) 305-1039. The examiner can normally be reached on Mondays to Fridays from 8:00 A.M. to 4:30 P.M..

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (703) 308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

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13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

hws

M.S.O.

July 9, 2003

Walker
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SUPERVISORY PATENT EXAMINER
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